



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 17, 1998

Mr. John Steiner
Division Chief
City of Austin
Law Department
P.O. Box 1546
Austin, Texas 78767-1546

OR98-1492

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116291.

The Austin Police Department (the "department") received a request for information on a specified case. You assert that, except for "first page" information, the requested information is excepted from required public disclosure based on sections 552.101 and 552.108 of the Government Code. However, we believe that the requested information, including the "first page" information, is protected by section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 261.201 of the Family Code reads in part as follows:

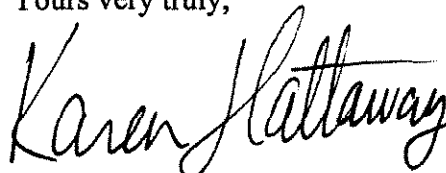
(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under . . . chapter [261 of the Family Code] or in providing services as a result of an investigation.

We believe that the requested information consists of reports, records, and working papers used or developed in an investigation made under chapter 261 of the Family Code.¹ You have not informed this office of any rules the department has adopted that would permit access to the requested records. We, therefore, conclude that the requested records are confidential pursuant to section 261.201 of the Family Code. *See Open Records Decision No. 440 (1986) at 2 (construing predecessor statute).* Accordingly, the department must not release the requested information to the requestor. Gov't Code § 552.101 (excepting from public disclosure information made confidential by statute).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/mjc

Ref.: ID# 116291

Enclosures: Submitted documents

¹We note that a parent of a victim of alleged child abuse or neglect may have a right to obtain from the Texas Department of Protective and Regulatory Services information concerning a report of alleged abuse or neglect. Fam. Code § 261.201 (g).